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19 Attorneys for the Plaintiffs and Proposed
20 Settlement Class

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28 **UNITED STATES DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA

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28 **PATRICIA CONNOR, AND**
SHERI L. BYWATER,
INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS
SIMILARLY SITUATED

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28 **PLAINTIFFS,**

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28 **JPMORGAN CHASE BANK**
AND FEDERAL NATIONAL
MORTGAGE ASSOCIATION A/
K/A FANNIE MAE,

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28 **Case No: 10-CV-1284 GPC (BGS)**

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28 **CLASS ACTION**

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28 **DECLARATION OF ABBAS**
KAZEROUNIAN IN SUPPORT
OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT

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28 **DATE: DECEMBER 4, 2014**
TIME: 1:30 P.M.

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28 **THE HON. GONZALO P. CURIEL**

1 **I, Abbas Kazerounian declare:**

2 1. I am one of the attorneys for the Plaintiff in this action and named as Class
3 Counsel for the Settlement Class in the Court's March 12, 2012 Order
4 preliminarily approving the settlement. I submit this declaration in support of
5 the Joint Motion for Final Approval of the Class Action Settlement.

6 2. I am licensed to practice law before this court and all California state courts
7 and all federal courts located in the State of California, Texas and Illinois. If
8 called as a witness, I would competently testify to the matters herein from
9 personal knowledge.

10 3. I am a partner of the law firm of Kazerouni Law Group, APC and a counsel of
11 record for Plaintiffs in this matter, appointed as Class Counsel in the Court's
12 Preliminary Approval Order. I am admitted to this Court and am a member of
13 the State Bar of California in good standing.

14 **SUMMARY OF CASE HISTORY AND SETTLEMENT**

15 4. I have been involved in every aspect of this case from inception through the
16 present. I submit this declaration in support of the Plaintiffs' Joint Motion for
17 Final Approval of Class Action Settlement.

18 5. Co-counsel Douglas J. Campion and Joshua B. Swigart have detailed the case
19 history in their respective declarations. For brevity, I will not repeat those
20 details.

21 **ADEQUACY OF SETTLEMENT**

22 6. This is a statutory damages case. No Class member has lost any money as a
23 result of the Defendants' actions, other than their carrier's billing them for the
24 cost of Defendants' calls. Therefore, the deterrent effect of statutory damages
25 has been met, and the proceeds will be divided among the persons called. In
26 other words, the Class members are not getting a percentage of money they
27 have expended; they are receiving money as statutory damages for cell phone
28 calls made. Therefore, obtaining an \$11,268,058.00 settlement for the Class to

1 divide is an exemplary settlement. As a result, in my opinion, based upon my
2 experience in civil litigation and in litigating class actions, and based upon the
3 facts of this case, the number of class members, and the other circumstances, I
4 believe this settlement is fair and reasonable. Therefore, I believe the
5 settlement merits Court approval.

6 **CLASS COUNSEL EXPERIENCE**

7 7. I have outlined my experience in the Declaration of Abbas Kazerounian in
8 Support of Preliminary Approval of Class Action Settlement Agreement to be
9 heard at the same time as this motion, and I am not repeating it here, for sake
10 of brevity, if the Court is inclined to review my credentials relating to the
11 Final Approval issues.

12 8. Therefore, Class Counsel is requesting that the Court grant Final Approval to
13 the Settlement.

14
15 I declare under penalty of perjury that the foregoing is true and correct.

16 Executed on September 29, 2014 at San Diego, California, pursuant to the
17 laws of the United States.

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19 By: /s/ Abbas Kazerounian

20 Abbas Kazerounian, Esq.

21 Douglas J. Campion (SBN: 75381)
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